

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

SHERRY DANCEY,

Plaintiff,

v.

CIVIL ACTION NO. 5:05-0768

JO ANNE B. BARNHART,

Defendant.

MEMORANDUM OPINION AND JUDGMENT ORDER

By Standing Order entered July 21, 2004, and filed in this case on September 16, 2005, this matter was referred to United States Magistrate Judge R. Clarke VanDervort. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge VanDervort to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation on April 18, 2006, and proposed that this court (1) confirm and accept the factual and legal analysis within his Proposed Findings and Recommendation, (2) deny plaintiff's motion for judgment on the pleadings (Doc. No. 10), (3) grant defendant's motion for judgment on the pleadings (Doc. No. 11), (4) affirm the decision of the Commissioner, and (5) dismiss this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which

to file any objections to Magistrate Judge VanDervort's Proposed Findings and Recommendation. The failure of any party to file objections within the appropriate time frame constitutes a waiver of such party's right to a de novo review by this court.

Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985). No objections have been filed by either party.

Having reviewed the Findings and Recommendation filed by Magistrate Judge VanDervort, the court hereby (1) **CONFIRMS** and **ACCEPTS** the factual and legal analysis within the magistrate judge's Proposed Findings and Recommendation, (2) **DENIES** plaintiff's motion for judgment on the pleadings (Doc. No. 10), (3) **GRANTS** defendant's motion for judgment on the pleadings (Doc. No. 11), and (4) **AFFIRMS** the final decision of the Commissioner, and (5) **DIRECTS** the Clerk to strike this case from the court's active docket and to forward a certified copy of this written opinion and order to all counsel of record and to any unrepresented party.

It is **SO ORDERED** this 28th day of July, 2006.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge